

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DARRELL GUNN,

Plaintiff,

**DECLARATION OF
JEFFREY CLAFLIN**

-vs-

16-CV-6206

CHAD BESCLER, et al.,

Defendants.

JEFFREY CLAFLIN, pursuant to 28 U.S.C. §1746, declares under penalty of perjury under the laws of the United States of America that the foregoing is true and correct:

1. I am currently employed as a correction sergeant by the New York State Department of Corrections and Community Supervision (DOCCS), assigned to Auburn Correctional Facility for most of my 24 years with DOCCS, including the past seven years. Before that, I was employed as a correction sergeant at Elmira Correctional Facility (“Elmira”) for approximately six months, and a correction officer for about 16 years.

2. I respectfully submit this declaration in support of Defendants’ Motion for Summary Judgment, and I make the statements herein based on my personal knowledge or based upon documents that have been created by, provided to, and/or reviewed by me.

3. As of March 29, 2013, my job duties as a sergeant at Elmira included, amongst other things, supervising correction officers who were conducting random searches of inmates for contraband.

4. Pat frisks should be conducted in a professional and thorough manner, for the purpose of checking inmates for drugs, weapons, and any other contraband. A proper pat frisk

involves patting down an inmate's entire body over their clothing, including their arms, legs, torso, neck, buttocks, and genital area.

5. Some inmates get upset when they are pat frisked. By their very nature, pat frisks are somewhat invasive, but they are necessary within the prison setting. Even in maximum-security facilities like Elmira, inmates are known to have hidden contraband down their pants, inside their buttocks, and under their genitals.

6. On March 29, 2013, I was present during the evening frisk in the Laundry Corridor of G-Block inmates going to recreation. When the plaintiff, inmate Darrell Gunn, DIN 03B2443, was ordered to submit to a pat frisk, he became argumentative and agitated.

7. It is my understanding that plaintiff claims he was sexually assaulted during the frisk. However, based on what I saw, the pat frisk was conducted in a proper manner. At no time did I see Correction Officer Perry physically or sexually assault plaintiff.

8. Following the pat frisk, I verbally counseled plaintiff about his behavior and ordered him to return to his cell to de-escalate the situation. Based on my experience, I concluded that it would not be safe to allow plaintiff to proceed to recreation, where he would be around the same officers who had performed the frisk.

9. It is my further understanding that Plaintiff alleges that Correction Officer Beschler kicked and practically tripped him as he walked back to his cell. I did not see C.O. Beschler kick or use any other force on plaintiff.

10. Shortly thereafter, in or about early April 2013, I transferred back to Auburn.

11. I respectfully request the lawsuit be dismissed.

[Signature Page Follows]

Dated: February 16, 2021
Auburn, New York

s/Jeffrey Claflin
JEFFREY CLAFLIN

CERTIFICATE OF SERVICE

I certify that on February 18, 2021, I electronically filed the foregoing Declaration of Claflin with the Clerk of the District Court using CM/ECF system, which sent notification of such filing to the following:

1. n/a

And, I hereby certify that I have mailed, by the United States Postal Service, the document to the following non-CM/ECF participant(s):

1. **Darrell Gunn**
03-B-2443
SING SING CORRECTIONAL FACILITY
354 Hunter Street
Ossining, NY 10562-5498

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